

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE FROM SECTION 1901.2.C.6 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.) AND SECTION V.B.3.b OF THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICY (CMDP) TO PERMIT A DISTANCE BETWEEN BUILDINGS OF 14 FT., IN LIEU OF THE REQUIRED 16 FT., FOR BUILDINGS WITH HEIGHTS OF 20 FT. OR LESS, AND TO AMEND THE LAST APPROVED PARTIAL DEVELOPMENT PLAN OF GOLDENTREE. ALL AS MORE PARTICULARLY DESCRIBED ON PETITIONERS' EXHIBIT NO. 1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1901.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3.b of the Comprehensive Manual of Development Policy (CMDP) to permit a distance between buildings of 14 ft., in lieu of the required 16 ft., for buildings with heights of 20 ft. or less, and to amend the last approved partial development plan of Goldentree. All as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 2nd day of November, 1993, that the Petition for a Zoning Variance from Section 1901.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3.b of the Comprehensive Manual of Development Policy (CMDP) to permit a distance between buildings of 14 ft., in lieu of the required 16 ft., for buildings with heights of 20 ft. or less, and to amend the last approved partial development plan of Goldentree, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning & Development Management
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 1, 1993

Mr. and Mrs. David W. Johnson
11 Horse Chestnut Court
Baltimore, Maryland 21221

RE: Petition for Administrative Variance
Case No. 94-127-AA
Property: 11 Horse Chestnut Court

Dear Mr. and Mrs. Johnson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 11 Horse Chestnut Court, Baltimore, MD 21221

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of this property, do hereby petition for a Variance from Section 1901.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3.b of the Comprehensive Manual of Development Policy (CMDP) to permit a distance between buildings of 14 ft., in lieu of the required 16 ft., for buildings with heights of 20 ft. or less, and to amend the last approved partial development plan of Goldentree. All as more particularly described on Petitioners' Exhibit No. 1.

Property is to be posted and advertised as prescribed by Zoning Regulations. If we agree to pay expenses of above variance, including, but not limited to, the cost of this petition and the cost of the hearing, we agree to pay the same. If we do not agree to pay the same, we agree to pay the same. If we do not agree to pay the same, we agree to pay the same.

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Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury in the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does do presently reside at:

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24 day of August, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DAVID WAYNE JOHNSON & TERRA LEE JOHNSON

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

08/24/93

My Commission Expires: 05/31/97

VARIANCE DESCRIPTION

Located on the southwest side of Horse Chestnut Court cul de sac, approximately 340' northwest of the centerline of Sand Hill Road and known as lot #257 as shown on the Plat 3 Section 3 Goldentree, which is recorded in the land records of Baltimore County in book 50 page 61. Also known as #11 Horse Chestnut Court.

ITEM # 134

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th
Posted for: Variance
Petitioner: David W. Johnson & Terra Lee Johnson
Location of property: 11 Horse Chestnut Court, 340' NW of Sand Hill Rd.
Location of Signs: 11 Horse Chestnut Court, 340' NW of Sand Hill Rd.
Remarks: 11 Horse Chestnut Court, 340' NW of Sand Hill Rd.
Posted by: [Signature]
Number of Signs: 1
Date of Posting: 10/16/93
Date of return: 10/18/93

receipt
94-127-AA

DATE 9/22/93
11 HORSE CHESTNUT CT.
BALTO, MD. 21221

010 - VARIANCE - \$ 50.00
030 - AMENDMENT - \$ 50.00
050 - SIGN - \$ 35.00
TOTAL - \$ 135.00

PLEASE MAKE CHECKS PAYABLE TO: BALTIMORE COUNTY

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 15, 1993

Mr. and Mrs. David W. Johnson
22 Horse Chestnut Court
Baltimore, Maryland 21221

RE: Case No. 94-127-AA, Item No. 134
Petitioner: David W. Johnson, et ux
Petition for Administrative Variance and Final Development Plan

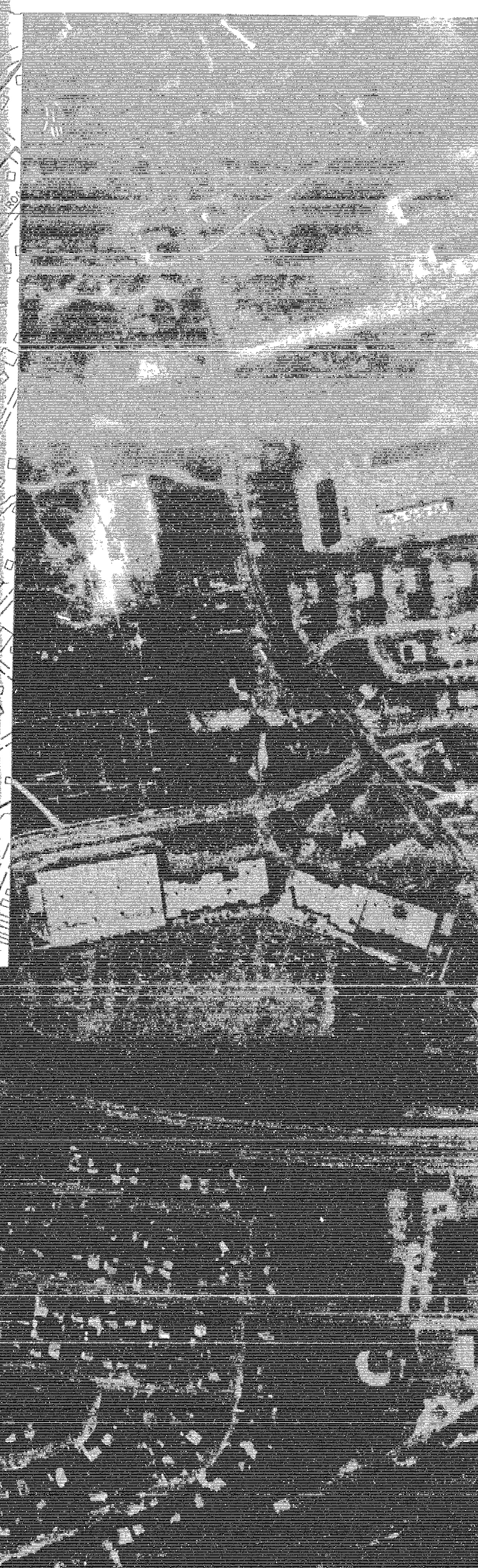
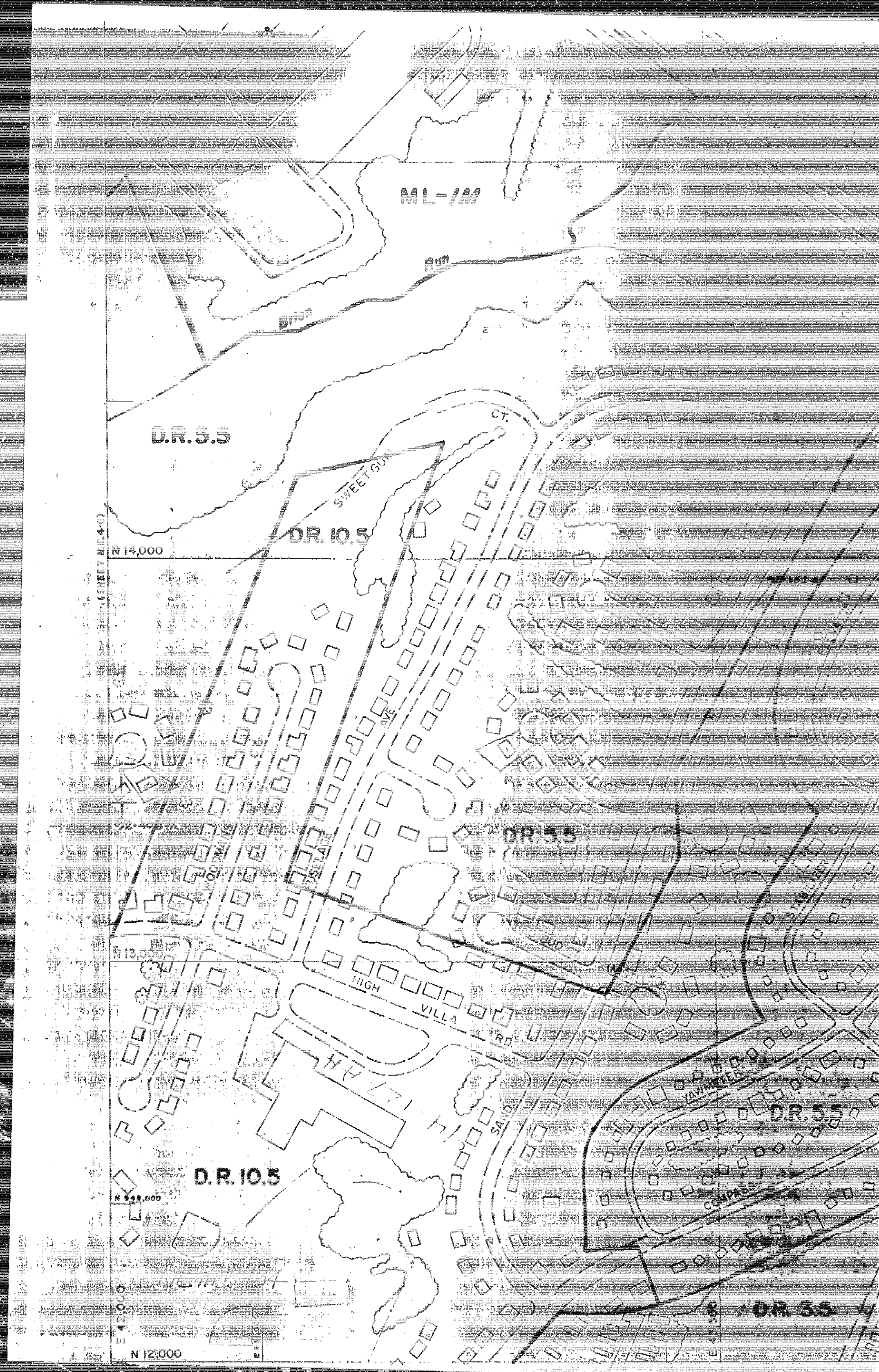
Dear Mr. and Mrs. Johnson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition that is not informative will be placed in the hearing file. This petition that is not informative will be placed in the hearing file. This petition that is not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	MIDDLE RIVER	NE
DATE OF PHOTOGRAPHY JANUARY 1986	1/21/86	4-H

94-127-AA